IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 5333 of 2004

Between:

1 Shaik Zakir Hussain, S/o.Abdul Gafoor, Cool Drink Shop and Tent House, R/o.Muslim Palem, Pedakakani Village & Mandal
Guntur District.
2 Shaik Bassid, S/o.Abdul Ali,
R/o.Muslimpalem Pedakakani Village & Mandal
Guntur District.

..... PETITIONERS

AND

1 The Superintendent of Police, Guntur
2 The Circle Inspector of Police, Guntur Rural, Guntur District.
3 The Sub-Inspector of Police, Pedakakani Police Station, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in nature of writ of mandamus declaring the action of the respondents in retention of the rowdy-sheet No.40 09-06-2001 and 43 dt.09-06-2001 on the petitioners respectively as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and direct the respondents to forthwith remove the rowdy-sheets opened against the petitioners.

Counsel for the Petitioner:MR.P.VEERA REDDY

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

ORDER:

Heard both sides and at their request, the main writ petition is taken up for disposal.

The petitioners herein filed this writ petition, *inter alia,* seeking writ of mandamus to declare the action of the respondents in retention of the rowdy-sheet Nos.40 and 43 dated 09.06.2001 respectively on them as illegal.

The case of the petitioners is that they are the law abiding citizens and no case is pending against them and they have been running their businesses without any complaint about what so ever of any nature. Even the Criminal Case filed against them was ultimately ended in acquittal and therefore, there is absolutely no justification or validity for the impugned action of continuing the rowdy-sheets opened against them. Hence, this writ petition.

It is admitted by the respondents in the counter-affidavit that the criminal case which has been pending against the petitioners has been ended in acquittal. However, having regard to the activities and involvement of the petitioners, it is felt necessary to continue the rowdy sheets. Therefore, the writ petitioners are not entitled for any indulgence by this Court.

Considering the submissions made by both the counsel and also on perusal of the material on record, it is seen that the criminal case, which has been filed against the petitioners, has been ended in acquittal. There is no dispute to the said fact. This Court, considering all the provisions and also the governing principles for opening rowdy-sheet, has laid down certain guidelines reported in ***Mohammad Quadeer and others v. Commissioner of Police, Hyderabad and another,*** wherein, it is held that mere apprehension as to involvement of any person in the maintenance of law and order cannot countenanced in opening rowdy-sheets.

In view of the same, I do not find any justification to continue the rowdy sheets against the petitioners. Accordingly, the writ petition is allowed. No costs.

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31-08-2004

Jsu

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the Thirty First day of August, Two Thousand and Four.

To

1 The Superintendent of Police, Guntur.
2 The Circle Inspector of Police, Guntur Rural, Guntur District.
3 The Sub-Inspector of Police, Pedakakani Police Station, Guntur District.

4 2CCs to the Government Pleader for Home, High Court Buildings, Hyderabad. (OUT)

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